



**MINUTES OF TELEPHONIC MEETING
FRIDAY, FEBRUARY 19, 2021 at 9:00 AM**

**Teleconference Location
Nevada Board of Examiners
For Marriage & Family Therapists and Clinical Professional Counselors
7324 W. Cheyenne Avenue, Suite 10
Las Vegas, NV 89129**

Please Note: The Board may (a) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; (b) combine agenda items for consideration by the public body; and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030).

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to any action items on the agenda and on any matter not specifically included on the agenda prior to adjournment of the meeting. At the discretion of the President, additional public comment may be heard when that item is reached. The President may allow additional time to be given a speaker as time allows and at his/her sole discretion. (NRS 241.020, NRS 241.030) Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)

Action by the Board on any item may be to approve, deny, amend, or table

1. Call to Order, roll call, Confirmation of Quorum.
 - Meeting called to order at 9:00 AM.
 - Board members present: Steve Nicholas, Hal Taylor, Lauri Purdue, Jennifer Ross, Sara Pelton, John Nixon, Erik Schoen, Marta Wilson, Sheldon Jacobs (arrived at 9:03 AM)
 - Board members not present: None
 - Staff present: SDAG Henna Rasul, Lynne Smith, Joelle McNutt
 - Public Members: Gena Segno, Tiffany Day, Odelia Duhel, Donald Oliva with CE Broker

2. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

Email exchange with Jake Wiskerchen:

On Wed, Feb 17, 2021, 12:06 AM Jake Wiskerchen <jake@zephyrwellness.org> wrote:

Lynne and Steve,

I see that the board has some minutes slated for approval that (yet again) are not made publicly available via website download so I am asking you to provide them to me. Please send the draft copies of the January 15 and February 5 meeting minutes to this email address so that I may review their content prior to their inevitable approval.

Also please consider doing more than the bare minimum technical requirement. Lynne has made me aware of board legal counsel's guidance in a previous exchange but I find sharply disconcerting that, possessing the technological ability and staffing presence, the board has instead repeatedly chosen to shift the burden onto the public to seek this most basic information by soliciting a request of the board staff, while not posting even that expectation to the public. Perhaps if this were an in-person meeting and hard copies were available onsite, such a choice to avoid online posting could be forgivable. Maybe. However, this pandemic and its resulting online meetings have continued for nearly a year and yet the board continues to be derelict in its duty to provide access to these draft copies without request prior to the meetings. My memory of legal counsel's advice to me, when I chaired the board, was that state law requires hard copies to be made available for all attending public at each meeting. Now that all meetings are held online, these documents need to be posted online for any prospective attendees who would otherwise have physical access to them under normal circumstances. Yet repeatedly, they have not been, and the ready excuse is that "it is not legally required," which is totally unacceptable.

This consistently demonstrated opacity has now become either quite intentional, or quite lazy/neglectful, neither of which is becoming, especially of a board that now possesses the largest budget it has ever seen in its history. The funds are available and the staff are available, so one has to wonder as to the real reason for this level of obfuscation.

I plan to speak to both matters this Friday during public comment and I hope for a more receptive audience from the entire body because, despite my multiple documented attempts, the board has proven itself either unwilling or incapable of reasonably accommodating the public to which it is beholden and of which I am a member. Accountability is important when lives and livelihoods are at stake, and I intend to achieve it, either at the upcoming meeting or, if necessary, through the several other publicly available avenues.

*Thank you for your audience,
Jake Wiskerchen*

On Wed, Feb 17, 2021, 6:34 AM Steve Nicholas <swnicholas@gmail.com> wrote:
Jake,

I am pleased that you are going to attend the meeting on Friday morning. This has been, and will always be, available to you.

While I disagree with the tone and narrative of your opinion, you are most welcome to make public comment. I am happy to place this conversation on the agenda if you would like to engage in a deeper conversation about transparency with the entire board.

Public meetings are the most appropriate venue for communicating when you are concerned with the actions of the board. That will allow and promote the most professionalism and transparency.

Please do not insult the members or staff moving forward. Your insinuations are not well informed nor are they appropriate.

Again, please do not target the staff or board members with your thoughts on how we should be performing our roles.

I believe that you know how to make a formal complaint or communicate to the entire Board membership. Please use the established, and appropriate, venues moving forward so that all board members can be informed.

We will see you this Friday.

Steve - the balance of this email exchange will be provided at the end of the meeting.

- Two new Board Members: Lauri Purdue, Dr. Jennifer Ross

Steve – I would like to welcome our two new board members, Lauri Purdue as our second public member and Dr. Jennifer Ross an MFT who replaces Adrienne O’Neal, whose term expired 6/30/20.

Lauri: Nevada native, Commission on Post-Secondary Ed, worked in higher education.

Dr. Jennifer Ross: excited to serve on the Board, up north in Reno.

3. Discussion, recommendation, and possible action regarding review and approval of minutes from January 15, 2021 and February 5, 2021 (For possible action)
 - Motion to approve minutes from January 15th: Sheldon 1st, 2nd Marta. Jennifer Ross & Lauri Purdue abstentions; Motion approved unanimously.
 - Motion to approve minutes from February 5th: Sara 1st, 2nd Hal. Sheldon Jacobs, Erik Schoen, Jennifer Ross, and Lauri Purdue abstentions; Motion approved unanimously.
4. Tiffany Day petitions the board to consider issuing her a new CPC Internship (For discussion/possible action)

Tiffany: I currently have 226 primary supervision hours, need secondary hours so I will meet with Roberta Miranda 2x per week. We will meet outside of our weekly supervision if necessary, Jimmy (Primary) will help prep for exam. I have 2800 accrued direct client hours. I also plan to take the national exam in June 2021.

Erik: Roberta Miranda is an excellent supervisor, educator, and all-around advocate for what we do

Steve: your internship is expired?

Tiffany: I dissolved it

Steve: we now need to discuss whether or not to carry her hours over from her previous internship

Erik: the goal for Miss Day’s internship plan was to satisfactorily receive supervision. Her plan includes 3 hours/week of supervision which seems fairly robust.

Sheldon: is it feasible to you with your schedule; your job? Three hours of supervision per week plus clients and work – it seems like a lot.

Tiffany: with teletherapy and tele supervision, it is easier to make this schedule possible with cutting out driving time. I paused my social work degree and am cutting down on my job hours, just until this internship is complete.

Marta: I feel like Tiffany has openly come to this process willing to accept any decision that the board will make. And it was the agency that billed fraudulently on Tiffany's NPI number.

Erik: After hearing what we did at last month's meeting from Miss Day and this internship plan, I am comfortable with granting her a new internship and her being able to keep all of her accumulated hours.

Motion to approve new internship and full credit for her earned hours made by Erik; 2nd Sheldon. No abstentions. Motion approved unanimously.

Hal: don't be afraid to ask for help if something comes up in the future.

5. Gena Segno petitions the board to consider waiving her research course requirement for her CPC application (For discussion/possible action)

Lynne: her application was first submitted in 2012 and her file is quite thick. She originally applied when a certain number of credits per course were required and most of her courses had two hours so didn't qualify.

Gena: it is a brand-new day at this board. I got to spend 4 years on a research project, pre & post graduate training. We created a manual based on the research that we did, entered data into a database, did observation notes, we presented at a conference. I have a background in art therapy, was a program director previously, presented the Child Trauma research project, and am skilled at interpreting clinical data and incorporated those results with clients. My future vision here is to have more formalized training in art therapy and play therapy. I was an educational director for early childhood programs. I have a vision for more creative therapy models in Nevada.

Steve: you have demonstrated more proficiency and more detail than one would receive in a three-credit course

Hal: how to academically integrate play therapy and art therapy; there is a real opportunity to incorporate these studies and continue your work

Gena: I have certifications in national organizations, but they are tethered to a clinical license

Erik: In 2018, the board built in the language in NAC 641A.085 to allow approving experience in lieu of specific coursework

Motion to accept that the research course is met by Miss Segno's experience made by John; 2nd Erik. No abstentions. Motion passed unanimously

6. Review/Decision regarding the following licensees who have petitioned the Board to be Primary Supervisors for Marriage and Family Therapist (MFT) and Clinical Professional Counselor (CPC) Interns: (For possible action)

Marta reported that she has a supervisory relationship with Miss Dandy-Fralick. It was suggested that the other three candidates be reviewed first and then Marta will abstain for Courtney's application.

| Supervision Applicant | AAMFT Approved Supervisor/Supervisor Candidate or CCE Approved Certificate/ Supervisor Course | Transcript of 45-hour Graduate-level Supervision Course | Mentor Signature of Supervisory Experience | Mentor Contract |
|-------------------------------|---|---|--|-----------------|
| Odelia Duhel | No | Yes | Yes | N/A |
| Courtney Dandy-Fralick | Yes | N/A | N/A | Yes |
| Kelli Grock | Yes | N/A | N/A | Yes |
| David Allen Morgan | Yes | N/A | N/A | N/A |

Motion to approve Odelia Duhel, Kelli Grock, and David Allen Morgan made by Erik; 2nd Sara. No abstentions. Motion approved unanimously.

Motion to approve Courtney Dandy-Fralick made by Erik; 2nd Sara. Marta abstains. Motion approved unanimously.

7. Lynne Smith petitions the board to review CE Broker software for CEU tracking abilities (For discussion/possible action)

Lynne: I would like to introduce Don Oliva from CE Broker

Don: to simplify the tracking of CEU, information is aggregated on CE Broker website. Our product is secure, stable, and scalable. The information is collected through the license verification information which is public knowledge. Individual's name, license number, and issue date is what CE Broker needs to create a board account. CE Broker supports boards, CEU providers, and licensees with no cost for basic services to licensees and board offices. The main funding source for the software comes through voluntary subscriptions.

Benefits: auditing dashboard, equip the Board with tools that make auditing efficient, it can be implemented at the renewal phase, there is a soft stop that alerts them that their CEUs are not complete. The Board will approve CEUs right in the software. CE Broker has a search feature in the Provider Suite. The CEU provider can report directly to the Board through the software, the amount of credits for the offerings. For the Licensee: voluntary subscriptions as well as free, it is free to the Board, they have 2 million licensees using the software. Licensees can look for approved CEUs to take, track their own CEUs in a paperless environment, and respond to a CEU audit. There are the Basic Accounts, the Professional Accounts (\$29/yr.), and Concierge Accounts (\$99/yr.). Their support center is located in the US. Using CE Broker can decrease calls to the Board office. There is a mobile app which is the most popular feature. Licensees can take pictures of their certificates and easily upload the credit. CE Broker offers seamless integration with the licensing database.

Erik: how do we capture hours for things like attending board meetings or CE credit for non-traditional items?

Don: licensees could take a picture and upload it to their account for that particular event. If someone has multiple license types, our software can track all of that. We don't usually interact directly with licensees; we let the board office do that at their discretion. We build a knowledgebase for each board, specific to their needs.

Steve: Lynne, can you do some research on an existing client of CE Broker, speak with them, and then report next month to the board?

Lynne: yes, I will.

8. Steve Nicholas petitions the board to review and discuss the SB 109 proposed mandate for 6 CEUs on Diversity, Equity, and Inclusion (DEI) (For discussion/ possible action)

Steve: Sheldon revived this conversation regarding CEUs for diversity and equity so thank you, Sheldon.

Sheldon: Dr. Gray is driving the bill and getting support for SB 109. It is important to me as an African American male, as well as that we have a large population of people of color in Nevada. Our licensees could benefit from further education and awareness in this area.

Steve: Sheldon, can you speak to the CEUs mentioned in SB 109?

Sheldon: my understanding was that 2 CEUs were being floated but at this point it is unknown what the actual number will end up being

Motion to appoint Dr. Jacobs to be the point person on SB 109 made by Steve; Hal 2nd. Motion passed unanimously

9. Lynne Smith petitions the board to review and approve the December financial statements (For discussion/possible action)

Motion to approve the December financial statements: Erik 1st, 2nd Sheldon. No abstentions: Motion approved unanimously.

10. Lynne Smith petitions the board to review and discuss the CEU requirements for licensees getting licensed in year two of the biennial license. (For discussion/ possible action)

The board office is getting questioned on new, full licensees being required to obtain 40 CEUs during the balance of 2021. I understand that with new legislation, it is difficult to foresee all the possible ramifications and there is no mechanism in place in the current regulations for prorating the number of CEUs.

Steve: there were no statements in the regulations for allowing proration of the required CEUs. Regulations state 40 CEUs per renewal period.

Henna: you must go with the plain language of the statute or regulation. If there are discrepancies between the statute and a reg, the statute trumps the reg. Unless you have authority, there is no prorating.

Steve: I think we only have one option which is to hold people to the 40 CEUs.

Erik: I'm looking through the regulations and 641A.265 which states:

NRS 641A.265 Waiver of requirements for continuing education. *The Board may waive all or part of the requirement of continuing education in a particular year if the marriage and family therapist or clinical professional counselor was prevented from fulfilling the requirement because of circumstances beyond his or her control.*

Steve: It would seem that we could use that. Henna, would it be possible to have you look into this in the next month?

Henna: Sure. Lynne, could you please send me a follow up email for that?

Lynne: Yes.

Discussion & table item until next month

11. Report from President (Advisement)

From the Zoom chat, Lauri offered to help Sheldon on SB 109. Going forward, we will not use the Chat All feature.

Update on SB 44 – on Wednesday, Lynne and I received an email from the Rural Regional Behavioral Health Coordinator:

On Wed, Feb 17, 2021 at 1:24 PM Valerie Cauhape Haskin <vcauhape@thefamilysupportcenter.org> wrote:

Good afternoon Lynne and Steve,

It has come to the attention of my Board Chair (Fergus Laughridge) and I that there is some confusion on behalf of the MFT/CPC Board in regards to SB 44. Fergus and I are currently working on an amendment to clarify and further expedite processes for licensure by endorsement for all four of the behavioral health licensing boards, yours included. This comes at the behest of legislators, members of our Board, and many stakeholders.

*However, the **Rural Regional Behavioral Health Policy Board is not currently entertaining the inclusion of licensure portability in SB 44.** Sample language for portability was drafted and floated to our Board, but they prefer to go in a different direction. We do want to ensure there are measures in place to ensure that your Board has the ability to keep track of practitioners who are working in Nevada, have the power to revoke privileges to practice and pursue those who are not upholding ethical standards, and generally are not left out of the loop. Our current strategy is to ask for alterations to NRS 641, NRS 641A, NRS 641B, and NRS 641C to have the licensure by endorsement language be similar to that used by the Board of Pharmacists, but adding back in the requirement for the submission of official fingerprints (something that is not currently included in the Pharma language). However, we are asking that a provisional license be allowed pending background check results, as this process can often take weeks, even outside of COVID.*

Ultimately, our goal is for professionals to be able to achieve licensure by endorsement as quickly as they have been able to under the Governor's Emergency Directive 011, or as close to such as possible. It is our understanding that of the complaints that have been filed with the licensing boards by consumers regarding practitioners, none of them have been related to persons practicing under the Governor's Emergency Directive.

Please feel free to reach out if you would like further clarification or if you would like to meet.

Thanks so much,

Valerie Cauhape Haskin

Steve: Reciprocity endorsement is what they are supporting in SB 44, not blanket portability.

12. Report from Treasurer (Advisement)

Sara: my monthly checklist is attached to your agenda exhibits.

13. Report from Executive Director (Advisement)

Lynne: I attended the virtual FARB Annual Conference and they talked about how there will be a 'new normal' for everything. Issues include telehealth and industry compacts. Additionally, they talked about 'market participation' which is when a board has public members that are not licensees and

such participation is being emphasized. Lauri filling our other public member position is a positive step for us.

Legislative updates – I have done a few fiscal notes and am tracking bills that include mental health issues.

Camilla Dorand is a licensed CPC and she is helping with getting out the board office newsletter and videos.

Received and processed 79 applications so far this month for January & February with 5 applications rejected in that time frame due to failing the academic review. Licenses issued so far in 2021– 84 through yesterday.

14. Report from Senior Deputy Attorney General Henna Rasul (Advisement)

No report, just working on cases with Stephanie.

15. Discussion regarding future agenda items and possible future meeting dates:

- **Friday, March 19th @ 9:00 AM (Public Meeting)**
- **Friday, April 16th @ 9:00 AM (Public Meeting)**

16. Public comment.

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| No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) |
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From: Jake Wiskerchen <jake@zephyrwellness.org>

Sent: Wednesday, February 17, 2021 11:58 AM

To: Steve Nicholas <swnicholas@gmail.com>

Cc: Lynne Smith <lmsmith@mftbd.nv.gov>

Subject: Re: Meeting minutes

Steve,

Thank you for your prompt reply. I am not sure that I insinuated anything but actually pointed out that my understanding of OML requirements is not being met by the MFT-CPC board.

While we are speaking of insinuations though, you seem to have made one of your own, which I will clarify here; please feel free to correct my understanding. In conjunction with the allegations that I insulted people (unsure as to whom, being that I referred to the board as a collective), the last paragraph of your email appears to suggest that you believe I am somehow in violation of NAC 641A.243, subsection 7. That is the insinuation I see.

I struggle to understand this because I mentioned neither colleagues, nor their qualifications, nor did I mention any board members at all, licensed or otherwise. Yet you hinted that I may need to file a formal complaint, so this confuses me. A large and not-subtle distinction exists between holding a public body accountable and disparaging colleagues so maybe that is the misunderstanding. Perhaps you are referring to yourself and Lynne, to whom I addressed the email, as the recipients of the alleged insults. But even that context strikes me as odd though because email correspondence to the president and executive director have historically been the preferred - and endorsed, by way of replies, including this one - method to communicate concerns. Or at least that has been the case over the past five or so years in which I have been communicating with the board, so truly I am at a loss as to what you mean here.

To that point, you seem to have made clear that you do not prefer email correspondence, opting instead for public comment to "promote the most professionalism and transparency." Being a fan

of transparency myself, I can certainly respect the spirit of that but again, this is in direct contrast with what has traditionally been utilized. I may take you up on the offer to create an agenda item but that seems extraneous and burdensome and such a desire seems overly restrictive upon the public itself, which as we too well know is often far too busy to attend meetings in person. However, I am equally confused by something that appears to run afoul of the very professionalism and transparency you desire, which is your directive not to bring board criticisms to the board. This seems not only to contradict your very invitation to participate in the meetings, but also implies that new (or different) thoughts and ideas about the board and staff roles are not allowed. In other words, public critique of the public body that is beholden to its public constituents is apparently unwelcome. You and I have disagreed on matters in the past so it is possible that I am misinterpreting your words, but saying, "please do not target the staff or board members with your thoughts on how we should be performing our roles" certainly comes off as "your critique is unwelcome here." If that is the case, please direct me to where I should take these thoughts if not to the board itself.

Finally, if my insinuations are indeed uninformed, I would appreciate being given the proper information. My information is exactly as I laid it out per my understanding of Nevada OML regarding document availability for meeting attendees. This information is guided by prior information from board legal counsel (which would be outdated now, I admit), as well as the counsel to the public board I currently chair. If I am incorrect, I welcome a correction, not just being told that I am wrong.

As is made clear in the statutes, the board is created by the legislature, its members serve at the pleasure of the governor, and the staff are employees of the board collectively. Given those dynamics, I do believe that I am following the proper chain of command by choosing not to bring this to the entire body and instead opting for discretion and tact via my email to you and Lynne. Given your recent clarification of how you prefer these matters to be handled, I could certainly bring it before the full board, fully agendaized and in compliance with OML. However, being that this is my sole issue to bring before the board, this correspondence should be sufficient to communicate all of my concerns to the entire body. Please have it distributed to the membership, read into the record at Friday's meeting, and considered in full as my public comment on the matters contained throughout.

Thank you for your audience.

Jake Wiskerchen

17. Board member comments

Steve: we have been in line with Open Meeting Law, per statute, and anyone who wants to agendaize something at our meetings is always invited to request that.

18. Adjournment

Meeting adjourned at 10:37 AM.

Meeting agendas are available for download at the Nevada State Board of Marriage Family Therapists & Clinical Professional Counselors website: <http://marriage.nv.gov>. Anyone who needs the agenda or supporting materials for this meeting is invited to call or email Joelle McNutt at (702) 486-7388 x 102 or JMcNutt@mftbd.nv.gov. The agenda and supporting materials may be provided by email or can be arranged to be picked up in person. This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice should make a formal request to Joelle McNutt at JMcNutt@mftbd.nv.gov.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Joelle McNutt at (702) 486-7388 x 102 or JMcNutt@mftbd.nv.gov no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING PUBLIC LOCATIONS AND WEB SITES:

State of Nevada Administrative Website: <https://notice.nv.gov/>

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors: 7324 W. Cheyenne Ave. Suite #10 Las Vegas, Nevada 89129

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors Website: <https://marriage.nv.gov/>